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REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Non-Final Office Action dated July 17, 2007. Applicant respectfully requests reconsideration of this application.

Election/Restriction

In response to the restriction requirement, Applicant has withdrawn claims 11 and 19. However, Applicant continues to traverse the restriction of claims 10 and 12. Claim 10 relates to subject matter described in Figure 3 and claim 12 relates to subject matter recited in Figure 5. These claims, like claims 1-9 and 13-18, all recite a single general inventive concept as is required by MPEP 1893.03(d)). The claims all recite a fluid connection assembly including a housing, a tube, a seal, a retainer and a locating feature. There will be no hardship to the Examiner to examine claims 10 and 12 with these claims. Therefore, Applicant respectfully requests examination of claims 1-10 and 12-18.

Drawings

Applicant thanks the Examiner for pointing out the deficiencies in the drawings. The cross hatching pattern of Figure 1 and Figures 3-5 is corrected. Replacement sheets are included herewith. In addition, the specification has been amended to recite reference element 110 (as illustrated in Figure 3) and reference element 324 (as illustrated in Figure 5). No new matter has been added.

In addition, the Examiner objected to the drawings under 37 CFR 1.83(a) claiming that the subject matter of claims 9 and 14 are not shown in the figures. Applicant has revised Figure 1 to illustrate the features of claims 9 and 14. Support for this amendment is found on Page 4,

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lines 1-7. A replacement sheet including Figure 1 is included herewith. Accordingly, the drawings now comply with 37 C.F.R. 1.83(a).

Specification

The Examiner also objected to the abstract of the disclosure because the abstract refers to alternative embodiments which are not part of the elected invention. Accordingly, Applicant has amended the abstract to correct this deficiency. Applicant requests that the Examiner accept the corrected abstract.

Claim Objections

Applicant thanks the Examiner for pointing out the informalities in claims 13 and 17. Applicant amends each of these claims to conform to the Examiner's requirements. Applicant respectfully requests that the amendments be allowed.

Claim Rejections – 35 U.S.C. §112

The Examiner rejects claims 9, 14 and 17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. With regard to claims 9 and 14, Applicant has corrected this deficiency as stated above with respect to the drawing remarks.

Claim 17 previously recited "the step of stopping the step of inserting the fluid port into the metal tube." Applicant has amended this claim to clarify its meaning. Claim 17 now recites "the step of preventing over insertion of the metal tube during the step of inserting the fluid portion into the metal tube." Hence, claims 9, 14 and 17 are not indefinite.

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§102 Rejections

The Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by *Imoehl* (U.S. Patent No. 5,105,787). Applicant respectfully traverses this rejection. Claim 1 requires the feature that the tube is made of a second material dissimilar to a first material of the housing. *Imoehl* fails to disclose this feature. Specifically, *Imoehl* discloses a metal tube 14 (preferably steel) and a fuel pressure regulator 18, which is comprised of a similar material as shown in Figure 1 (See Column 2, lines 45-51). Nothing within the disclosure of *Imoehl* suggests that the fuel pressure regulator 18 is of a material that is dissimilar to the metal tube 14.

See Id.

Additionally, *Imoehl* fails to disclose a locating feature as is required by claim 1. The Examiner points to the recess between the flanges 30, 60 of the tube 14 as the structure equivalent to the locating feature. However, this recess does not prevent the relative rotation between the fluid port of the housing and the tube as is required by claim 1. In contrast, it appears that the recess and the flanges 30, 60 are designed to limit the axial play of tube 14 in the fuel rail 12 (see column 4, lines 30-40). This is not the same as a locating feature that prevents the relative rotation between the fuel port of the housing and the tube. Accordingly, claims 1-3 are not anticipated.

§103 Rejections

The Examiner rejects claims 4-5 under 35 U.S.C. §103 as being obvious over *Imoehl*. As stated above, *Imoehl* fails to disclose all the features of Applicant's claim 1. Claims 4-5 depend from claim 1 and therefore incorporate each feature of claim 1. Accordingly, this rejection is moot.

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The Examiner also rejects claims 1, 6-9 and 13-18 under 35 U.S.C. §103(a) as being obvious over *Dallas* (U.S. Patent Publication No. 2005/0082829). With regard to claim 1, the Examiner argues it would have been obvious to one of ordinary skill in the art at the time of the invention to have fabricated the housing from a first material and the tube from a second, different material as a matter of obvious design choice. Applicant respectfully disagrees with this rejection.

The recitation of a combination as an obvious design choice is not sufficient to present a *prima facie* case of obviousness. An examiner must still provide a motivation or suggestion in the prior art to prove obviousness based upon an obvious design choice. For example, as stated in MPEP 2144.04, the prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device. (Citing *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984)).

In this case, there is no motivation or suggestion to make the proposed combination because the *Dallas* reference directly teaches away from forming the housing and the tube 12 from dissimilar materials. For example, *Dallas* directly describes the invention as a metal ring gasket to provide a high pressure, fluid tight, metal-to-metal seal between a first subcomponent and a second subcomponent of a threaded unit. (See paragraph 41, lines 1-4). Indeed, *Dallas* describes the requirement of a metal-to-metal seal because of the relatively high pressures experienced by the fluid conduits in the oil industry (see page 3, paragraph 41). The Examiner cannot predict that it would be an obvious design choice to choose a dissimilar material for the housing and the tube given the specific application described in *Dallas*. Accordingly, claim 1 and 6-9 are not obvious.

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With regard to claims 13 and 15, the Examiner argues it would have been obvious to one of ordinary skill in the art at the time of the invention to have fabricated the housing from plastic as a matter of obvious design choice. However, for identical reasons as those described above with respect to claim 1, *Dallas* teaches away from utilizing plastic because a metal-to-metal seal is required due to the high pressure requirements involved in the environment described within *Dallas*. Accordingly, claims 13-18 are not obvious.

Accordingly, Applicant submits that all remaining claims are in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

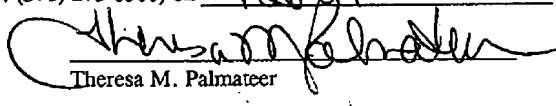
By: 

Todd W. Barrett
Registration No. 58,138
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

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CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/559,621 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on 9-26-07


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